



Subscriber Acknowledgement Report

August 30, 2005

Via Electronic Filing

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**Re: VoIP Subscriber Notification and Acknowledgement – Status and
Compliance Report of Intelcom; WC Docket No. 05-196**

Secretary Dortch:

Intelcom Solutions, Inc. (“Intelcom”) provides this Status and Compliance Report to the Federal Communications Commission, in connection with the Commission’s *E911 Requirements for IP-Enabled Service Providers Order*.¹ In sum, Intelcom is pleased to report that the company has achieved 100% compliance with regard to the Commission’s subscriber notification and acknowledgement requirements. Included herein is information regarding Intelcom’s actions to date and the company’s ongoing efforts to meet the objectives of the Commission.

At the outset, Intelcom notes that its VoIP customers already have access to E911 through a traditional POTS configuration, while the company also implements an interconnected VoIP E911 solution. Since all Intelcom VoIP subscribers have an Intelcom-provided T-1 line, they are afforded access to a POTS channel within that T-1 line – which allows them to reach a PSAP through the PSTN. We believe that this unique solution furthers the Commission’s interest in making comprehensive emergency systems available to customers.

¹ *E911 Requirements for IP-Enabled Service Providers*, WC Docket 05-196, First Report and Order and Notice of Proposed Rulemaking (rel. June 3, 2005).

Subscriber Notification and Acknowledgement Status and Compliance Reports

- FCC Requirement: *A detailed description of all actions the provider has taken to specifically advise every subscriber, prominently and in plain language, of the circumstances under which E911 service may not be available through interconnected VoIP service and/or may be in some way limited by comparison to traditional E911 service.*

Intelcom just recently commenced, in June of 2005, the offering of VoIP-based telecommunications services. In order to subscribe to Intelcom's service, each customer is required to execute an Enhanced Services Agreement ("Agreement"). In this Agreement, the terms and conditions explicitly, plainly and prominently describe the 911-related limitations (excerpts of which are provided below). Thus, as a prerequisite to activation of the VoIP service, each customer is advised of the circumstances under which E911 service may or may not be available and must acknowledge its understanding of those terms and conditions. Excerpts from the provisions included in the notice and the signed acknowledgment are as followed:

Intelcom shall not be liable for any delay or failure to provide the Service, including 911 dialing . . . or any interruption or degradation of voice quality that is caused by any of the following:

- 1.) Act or omission of an underlying carrier, service provider, vendor or other third party;
- 2.) Equipment, network or facility failure;
- 3.) Equipment, network or facility upgrade or modification;
- 4.) A major events such as (but not limited to) acts of god; strikes; fire; war; riot; government actions;
- 5.) Equipment, network or facility shortage;
- 6.) Equipment or facility relocation;
- 7.) Service, equipment, network or facility failure caused by the loss of power to Customer;
- 8.) Outage of Customer's ISP or broadband service provider;
- 9.) Act or omission of Customer or any person using the Service or Device provided to Customer; or
- 10.) Any other cause that is beyond Intelcom's' control, including without limitation a failure of or defect in any Device, the failure of an incoming or outgoing communication, the inability of communications (including without limitation 911 dialing) to be connected or completed, or degradation of voice quality.

911 and Similar Calls To Emergency Service Providers:

1.1 - Customer represents and warrants that it is not relying on the [Intelcom VoIP Service] in any way to call 911, E911 or any other emergency services (“911 EMERGENCY SERVICES”)

1.2 - The [Intelcom VoIP Service] provided under the Agreement does not include the ability to call 911 Emergency Service.

1.3 - Customer acknowledges and agrees that the [Intelcom VoIP Service] provided under this Agreement does **NOT** support 911 Emergency Services, meaning (i) that the [Intelcom VoIP Service] provided under this Agreement **CANNOT** be used to call 911 EMERGENCY SERVICES, and (ii) that **NO CALL** placed to 911 using the [Intelcom VoIP Service] will be completed.

1.4 - The Customer acknowledges and agrees that, to the extent that anyone with the ability to use the [Intelcom VoIP Service] provided under this Agreement may have the need to call 911 EMERGENCY SERVICES in the case of an emergency, Customer will undertake to make alternative arrangements to support calls to 911 EMERGENCY SERVICES. The Customer agrees to ensure that all persons with the ability to use the [Intelcom VoIP Services] provided under that Agreement (i) know that such [Intelcom VoIP Services] **CANNOT** be used to call any 911 EMERGENCY SERVICE because **NO CALL** placed to 911 using the [Intelcom VoIP Services] provided under this Agreement will be completed, and (ii) are familiar with the alternative arrangements Customer has made to support calls to 911 EMERGENCY SERVICES.

[emphasis in original terms and conditions]

- FCC Requirement: *A quantification of how many provider’s subscribers, on a percentage basis, have submitted an affirmative acknowledgement, as of the date of the report, and an estimation of the percentage of subscribers from whom they do not expect to receive an acknowledgement by the compliance date.*

As of August 30, 2005, Intelcom has obtained affirmative acknowledgements from 100% of its customers. Since each Intelcom customer receives notification and must sign an acknowledgment prior to receiving service, Intelcom is pleased to report that it has obtained full compliance with this requirement.

- FCC Requirement: *A detailed description of whether and how the provider has distributed to all subscribers warning stickers or other appropriate labels warning subscribers if E911 service may be limited or not available and instructing the subscriber to place them on and/or near the customer premise equipment used in connection with the interconnected VoIP service.*

As noted at the outset, all of Intelcom's customers have the capability to dial 911 over a traditional POTS circuit. Intelcom is, however, in the process of creating and distributing warning stickers and instructions to the customer to affix the sticker to the customer premises equipment. New subscribers will receive their equipment with the warning sticker already attached to the equipment (unless the equipment is sealed, in which case a sticker will accompany the equipment along with instructions to attach stickers to equipment). Below is a representation of the sticker Intelcom will provide to its customers.



- FCC Requirement: *A quantification of how many subscribers, on a percentage basis, to whom the provider did not send the advisory described in the first bullet above and/or to whom the provider did not send warning stickers or other appropriate label as identified in the bullet above.*

All of Intelcom's customers have received the advisory described in the first bullet and have affirmatively acknowledged their understanding of those terms. Intelcom is currently preparing warning stickers, which the company expects will be available to customers within approximately ten business days.

- *A detailed description of any and all actions the provider plans on taking towards any of its subscribers that do not affirmatively acknowledge having received and understood the advisory, including, but not limited to, disconnecting the subscriber's VoIP service with the*

Company no later than August 30, 2005. Describe provider's soft or hard disconnect procedure.

Since Intelcom has obtained affirmative acknowledgements from all of its customers, no such action will be necessary.

- *A detailed description of how the provider is currently maintaining any acknowledgements received from its subscribers.*

Each executed Agreement is filed and securely stored. Intelcom maintains a list of customer acknowledgements.

- *The name, title, address, phone number, and e-mail address of the person(s) responsible for the Company's compliance efforts with the VoIP E911 Order.*

Name: Peter Kilcullen
Title: Executive Vice President
Address: 25 West Jefryn Blvd.
Deer Park, NY 11729
Phone Number: (631) 240-9005
E-mail Address: peter@intele-com.com

Should you have any questions or would like to discuss any of this information herein, please contact the undersigned, or Intelcom's counsel, Andrew Klein of DLA Piper Rudnick Gray Cary US LLP, at 202-861-3827.

Respectfully submitted,

/s/

Peter Kilcullen
Executive Vice President
Intelcom Solutions, Inc.
(631) 240-9005
peter@intele-com.com